



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 14, 2025

**VIA ECF**

Hon. Margaret M. Garnett  
United States District Judge  
United States District Court  
40 Foley Square  
New York, NY 10007

Re: *The New York Times Co. v. U.S. Dep't of Defense*, 24 Civ. 8266 (MMG)

Dear Judge Garnett:

This Office represents the defendant, the United States Department of Defense, in this Freedom of Information Act (FOIA) action. I write jointly with counsel for plaintiff to provide a status update, as directed by the Court's June 17, 2025, order, ECF No. 26.

As noted in our previous letters, plaintiff's complaint covers five separate FOIA requests made during 2023, which broadly relate to certain U.S. government operations in Afghanistan and Iraq from 2007 to 2015. *See* Complaint ¶¶ 8, 9, 13, 17, 23, 28. The government has completed initial searches for four of the requests and is still completing its initial search for one request. With respect to that search, the parties are continuing to confer in an effort reach an agreement on search terms. The government's initial search returned over 330,000 records which likely included numerous records not responsive to the request. Accordingly, the government developed another set of search terms in an effort to identify documents more likely to be responsive to the request and conveyed those terms to plaintiff. In response, plaintiff proposed certain alterations to the search terms which returned 2,016 potentially responsive records. The government's position is that those records are likely to include numerous records not responsive to the request and offered to process the records identified through the government's narrower search. Plaintiff's position is that its proposed search terms are appropriately narrow and targeted to locate responsive records and has requested the government's basis for its assertion that plaintiff's proposed search would return numerous records not responsive to the request. The government is continuing to process records in response to two of the other FOIA requests and expects to complete processing those records within the next 120 days. Plaintiff's position is that the government's proposed pace for processing is unjustifiably slow and has requested information on the volume of records in the anticipated productions and for more timely disclosure of the responsive records.

The parties continue to work together in good faith to seek to resolve issues without motion practice, and no party currently wishes to raise any disputes with the Court. Therefore, we respectfully propose that the parties file a further joint status report by August 22, 2025.

We thank the Court for its attention to this matter.

Respectfully submitted,

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United States Attorney

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